G. R. S. IX-5]

Previous references. 1895-96

192

( )

Later references.

File No. 86-95

Serial Nos. 1-21

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1-21

In ~~Part~~ B for July 1899

SUBJECT.

Appeal of Annamalai Krishnachar regarding the unauthorized cultivation of tank bed in Attipore Village

Recommended

W.D. 2233—GPB—20,000—14-6-20

1 7

Before the Government of ~~His Highness the Maharaja of~~ Mysore.

Appeal No. 45 of 95-96.

Appellant. Vs. ~~Respondent.~~

Anantakrishnachar

Notice served.

5. 3. 96.

~~Petition~~ appellant in person
arguments heard
Order reserved.

B.O.
5/3

The Petr urges that as a matter of fact this land was being cultivated from time immemorial - This fact must be ascertained after due enquiry and a finding on this point submitted by the Dy Comr. Has the Jodi village been classified & settled by the Survey Dept? This information must also be furnished.

8/6/96

Translation of the Bangalore Taluk Amildar's Report No. 144 dated 14-8-98.

× × × × × ×
× × × × × × ×

3. The Jodidar urges:—
(1) That the land in question is included in his village.
(2) That it is occasionally submerged by the Abbigere tank water.
(3) That he was cultivating the same from a very long time.
(4) That the Inamdar is at liberty to cultivate the land included in an Inam village in any manner he pleases.
(5) That as the land in question is not classed as Phoot kharab, the rules pertaining to the latter do not apply to the Inam lands in the Inam village in question.
and (6) That although the Survey and Inam Settlements were effected 20 or 25 years back,

the

the order was passed without a knowledge of the fact that the village in question is an Inam one.

4. (The Amildar explains the above items as follows:-)

Item.1. That the land in question is included in the Jodidar's village is entirely false. For this land could not be cultivated by the Jodidar according to his whim and fancy. It forms part of the submerged area in the main bed of the Sirkar Tank of Abbigere. As it was included within the limits of the Inam village, it was registered under No. 28 in the Inam village accounts at the Survey settlement, ~~xxxx~~ was distinctly mentioned as the bed of the Abbigere tank, and was deducted as kharab. It is represented as lying to the east of the

red

red line in the accompanying plan. So[x] when the land is not submerged the Jodidar ~~does~~ may only graze his cattle on it, but he is not authorized to use the land in any other way.

Item 2. From the annexed plan, the accounts and the depositions taken on the locality it is clearly established that the land in question forms part of the main bed — completely submerged by the water, every year in which the said tank fills; and this becomes evident to one who personally inspects the spot. Although a portion of the area (painted yellow in the plan) is submerged only when the tank is completely full, on account of its having been silted up, still it is situate in

[x] Note. The meaning of the original Sanskrit is not clear in the context in English.

in the centre of the tank bed

Item. 3. The Jodidar has produced neither written evidence, nor any other impartial evidence to prove that he was cultivating the land from a very long time.

Item. 4. A few ryots from the Inam village and 7 others from the neighbouring villages produced by the Jodidar were examined. It is but natural that the Jodidar's ryots should speak in favour of their master. The ryots of the neighbouring village produced for enquiry are the Jodidar's sub-tenants. This does not matter much. All do not depose to the same effect. Yaliappa and other ryots of the Jodi village depose that the land in question is part of the water spread area of the tank; that they were cultivating the same when it was not submerged; and that

GOVT OF MYSORE

and that when the land was
under water they took only
the ripe ears of corn —
wherever possible, Of the
two ryots from Lakshmipura,
one deposed that the said
land was being cultivated
only by the ryots of the Jodi
village; that he had not
seen any Bengal gram
or other crop raised thereon;
that only paddy crop was
being raised and that he
was aware of this having
been done for the past 10 or
15 years; while the other
stated that 30 years back
he cultivated the land
and that subsequently
it was being cultivated by
the ryots of the Jodi village.
The two ryots from the
Somasettyhalli village
stated that of the 10 or 15
ryots in their village only
they cultivated the said
land and equivocated
regarding the submersion
of the land, thus contra-
-dicting

-dicting the statements of others. Hanumayya, Patel of Ganigarahalli deposed that he had lands in the Abbigere village; that he was now and then seeing the land in question; that it was never under water; that paddy was being sown thereon and that he did not know what quantity was being reaped; while Hanumareddi of Papi-reddipalya, a Dakhala village of Somasettihalli, stated that only a part of the said land was being submerged; that Bengal gram and paddy were being sown in alternate years; and that he did not know who were cultivating it or whether the cultivated land was under water. A neighbouring ryot, the Patel of Somasettyhalli, aged 60 or 70 years, stated that he had seen the land in question having been

cultivated

cultivated once in 5 or 6 years; that only when it was not under water it was being cultivated; that he had not seen it under cultivation every year and that he had not known whether the crop thereon was submerged or not. It is quite clear that such different and contradicting statements could not possibly be believed. Moreover from these it might be at once inferred that the Jotidar through his local influ-ence, might have surreptitiously cultivated the portion of the water spread area in question during a few of the years in which there was no water in the tank. Also it has not in the least been proved that he has a right to cultivate the land and

and that it does not
form part of the
tank bed.
5. To say that the Inamdar
may deal with Inam
lands in any manner
he pleases shows lack
of knowledge. As a portion
of the waterspread area
of a Sirkar tank has
been included within
the limits of his Inam
village, and as the said
portion has been
distinctly entered as
a separate number
in the Survey accounts
and classed as
Kharab, the Inamdar
is only entitled to
temporarily cultivate
the said portion during
the times in which
the Govt might be
pleased to authorize
such temporary culti-
-vation owing to famine
&c., but has not
any right whatever
to

to use the land as he pleases. The two other items of objection are not worthy of consideration.

From the records it will be seen that the land in question is included within the bed of the Sirkar Tank of Abbigere, that the Jodidar might have, till now, through his influence, cultivated the land during some years in which it was not under water, that the land unauthorizedly cultivated by him during the last year is in the midst of the main feeder of the tank and the lower portion of the tank, that he is not entitled to cultivate the land permanently; and that if he is now permitted to do so it will greatly tell upon the Sirkar tank yielding a revenue of Rs 600. The

entire

entire records are
herewith submitted
when I first went to
the locality on 24-2-'98
the Thoti of the said
village said before me
that the said land
was never cultivated
~~with~~ except in one
year. When the Jodidar
was asked to produce
him at the time of
the 2nd inspection,
he said that the
said man was not
a Thoti of his village,
and that he was not living
in his village and
~~tho~~ did not produce
him.

C.E.R.
28/9/98.

12.

Petition No: 1634 d/d 28.10.95
A.S. 45795-96

Petitioner – Anantha-
Krishnamachar, Jodidar
of Sinjapur village, Bangalore
Taluk.

Subject

Appeal against an order
of the Dy Comr, Bangalore Urban
levying a fine on petr for
cultivating a piece of land without
obtaining permission.

The Jodi Village of Sinjapur
adjoins the Sarkar village
of Abbigere. There is a tank
in Abbigere and ~~its bed extends~~
~~to the village of Sinj~~ the water
spread thereof covers some portion
of the Sinjapur village. In
Vijaya as the water has receded
~~beyond~~ believed the limits of Sinjapur
the Jodidar got cultivated

Called Bn/Counsellor

The call may be
ordered to be stayed
pending the disposal
of the appeal

23-1-96

Stay the sale -
Post for hearing - type
- of a civil case type
in criminal - if not
in the same type
as above

26.1.96

27/1/96

Draft to
30/1/96

To Mr. Sruthi

Posted to 5th March 96.
21/2

6 acres and 28 guntas of the land (which would usually be ~~under water~~) covered by the waterspread). The plan attached hereto will clearly show the situation of the land. The land cultivated is clearly within the limits of Jodi Sujapur village. The Amildar in his report No: 676 d/d 7.11.94 says — though the portion marked yellow in the plan belongs to the Jodi village, still the Jodidar should have left it as banjar so as to allow water to stand there. I think he is not right in having cultivated the land. — The Dy Collr decided that the Jodidar should pay a fine of Rs 46-14-5 at Rs 7 per acre. Petr then presented a petn to Mr Purnaiya who is now Dy Collr. He declined to reconsider ~~the matter decided~~ by the decisions of his predecessor. Therefore petr appeals to Govt for the following reasons: — *

(1) That in the Inam accounts the land referred to is entered as 'Khard' and assessed at three annas per acre

(2) That the land was measured

* These are all mentioned in his English petition

by the Survey Department as lying within the limits of the Jodi village.

(3) That the Dy Comr has erred in ~~in~~imposing further assessment upon a piece of land belonging to a jodi village upon which quit-rent only is payable

(4) That the prohibition is unprecedented and bears no sanction of any standing Revenue orders.

Petitioner having objected to pay this amount till this appeal is disposed of, some 500 Casuarina plants belonging to him (worth about Rs 50) have been attached. Petr requests that the sale of these may be stopped

The ~~Petr not only~~ Dy Comr not only imposed a fine but also prohibited the Petr from cultivating the land in future. He said that a heavier fine would be levied if the land were cultivated again

A.S.
21/1/96

The memo referred to in the Dy Comrs docket is kept at the top of the vernacular file.

The Survey map of the main village referred to in the memo has not been rec'd. - It was returned by the Dy Comm'r & the Survey Dept & the Dy Com'r has been asked to submit it (vide docket No 5116 of 1063)

4.12.95 amildar's note in the Jakhrai Jakhta ~~Settlement Report of the Jakhrai Jakhta village~~ has that detailed Survey has been introduced into ~~this village~~ Sirsa Tahsil but ~~Hasn't additional light in regard to orders passed at Settlement about 1878~~.

~~Sub. for orders~~

The Sett. urges that the land in question is cultivated from time immemorial as per manual whenever water reaches. There seems to have been no enquiry in regard to this.

Sub. for orders

The D Comm'r was directed, in so no 10766 of 9/6/96, to ascertain P 2106 after due enquiry, and submit a finding as to, whether as a matter of fact the land in question was being cultivated from time immemorial. Information was also wanted whether the Jodhe village had been Surveyed in detail

In reply to the above, the D Comm'r forwards the amildar's report & states that the Jodh Village has not been Surveyed in detail

The amildar's report
shows that he does not
believe that the land
was cultivated from
time immemorial
as per manual
~~If~~ Even if there were
such manual, it could
have been tolerated
only in ignorance of
the well-established
rule that no private
rights of any kind
can be recognised
in the beds of tanks
in action (vide para
10 of the Rule xx of the LR
Rule & S.O. No 7338-46 S 14/2/97
R 2457
incorporated in the amended
LR Rules)

The Sov: order of 1896 Contemplated
the Submission of a finding
by the Dis comm: The Dis
Comm: apparently appeal
(with the annexed report (a
translation is prepared)
=
This case was heard in
1896 before a Single Commissioner
as this was not a "Commercial"

[illegible] 30/9/96

GOVERNMENT OF MYSORE

The Inam Register Col 20, para 8, shows that the inculturable waste of the village measuring 372-10 is valued at Rs 70/- or approximately at 3 annas per acre for purposes of fixing quit rents. The statement made by the Inamdars at the time of the Inam Settlement shows that Hulbanni was one of the items of the village revenue. What extent of land comprised the Hulgavad is not therein mentioned. Since Recte

In this office No. 3518-8 / 0.310-98 dt 25-11-98 the Survey Supt was asked to state (1) whether the 6-28 cultivated by the Petr is included in the inculturable area of 372-10 of the Jodi village; and (2) Why a portion of the Sirkar Abbigere tank-bed was included in a Jodi village.

In reply the S. Supt in submitting the Block Survey papers states that there is no record of any boundary dispute between the 2 villages of Singapur & Abbigere, that there are no rajinamas to be found on the subject, that the recognized boundary of the 2 villages evidently Inam

ran through the tank of Abbigere ||
that this is a common occurrence
the original recognized boundary
having been submerged by a tank
newly formed; that the 6-28 of
land cultivated by the Petr is included
in the uncultivable waste of 372-10,
and a grazing valuation on the same
was fixed at 3 annas per acre;
that he is of opinion that the Inamdar
has no right whatever to cultivate any
portion of the tank-bed, that the
reason why the tank-bed was not
wholly included in the Abbigere village
was, that the old recognized boundary
was well-known to all and that the
Atchkat of tank S. No. 32 belonging
to the Jodi village approaches very
suddenly on the water spread in S. No. 28
which is the land in dispute; and
that the Inamdar is not entitled
to anything more than the grazing
in the tank-bed of S. No. 28 when
the water recedes.

The S. Supt. further suggests
that there may be some record
as to why a portion of the tank-bed
was included in the Jodi village,
when the tank was first con-
structed

BGn

281

20/

Before the Government of Mysore.

Appeal No. 45 of 1895-96.

Appellant. Vs. ~~Respondent.~~

Anantakrishnamachar
Jodidar of Singapur, Bangalore Taluk.

Subject:- Dispute in regard to a portion of the tank-bed of Abbegere included in the Jodi village of Singapur.

Posted to the 4th Feb 4 before the 1st C
Rep'd by Mr Connell
by 24/1/98

10529
Ex. shall call
[illegible]
the parties in the
tank bund
[illegible]
not be removed
[illegible]
[illegible]
Ex

25-1-98

Ex
24/1/98

applies for adj.
adj. to 7th March.
by 13/2/98

Remand not Ext
Call for best comparison
to allow. Find
as the matter was
not raised

9/-

and cultn of affd
mens in afterlife of
a 2' mil Ent - fine
will be revoked ~~—~~
~~a etl Dan~~ / affd
Engd mil to enlte
a fmnt cultn in
IK but in Gurkha

29.3.99

Stamp Affd
In time

R[illegible] pr orders -

31/10 Issued by Councillor

Issued 4-11-95

4-11-95

Call for records
with Memorandum
Mr Cadell

7/11/95

Returned
4-11-95

Drafted
DB
8-11-95

1895

No. 1634

Name of Petitioner, Ananthakrishnama Chetty

Village, Jodidar Singapur

Taluk, Bangalore

District, Bangalore

Date of Arzi, 28-10-95

Date of Receipt, 30-10-95

Date of Disposal,

No. of Enclosure, 2. -

ABSTRACT.

Appeals against the order of the Dy Comr, Bangalore dist warning him not to cultivate the uncultivable waste lying in the bed of the Abbugere Tank Bangalore Taluk, and levying an assessmental Rs 7/- per acre on the above land for the year 1892-93, for his having cultivated such land against warning

States that the land alluded to, was lying waste from a very long time; that the Petrs to cultivate the said land

whenever the Water in the tank made it feasible: and that no authoritative official restriction exists prohibiting them from cultivating such land.

The grounds for this appeal are as follows:

(1) That in the Inam accounts the land referred to is entered as "Kharab" and assessed at 3annas per acre

(2) That the land was measured by the Survey Dept as lying within limits of Jodi village.

3) That the Deputy Collr has erred in imposing further assessment upon a land belonging to a Jodi village upon which quit-rent is payable - and

4) That the prohibition is unprecedented and bears no sanction of any standing Revenue orders.

Prays that the Amildar may be directed to hold in abeyance the sale of his property now under attachment pending the disposal of his appeal.

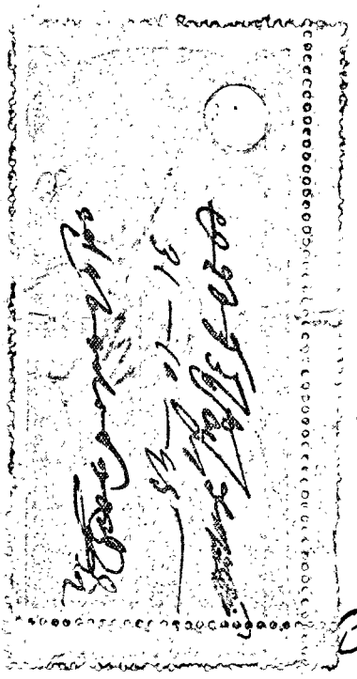
VBen
31/10

1634
Ex. 2

Pet'n
31-10-95

Two rupees stamp affo

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT.
REG'D. NO. 1634
DATE 30-10-95



To,

His Excellency the Dewan in Council
to Her Highness the Maharanee Regent
of Mysore,
Bangalore.

The humble Memorial of Ananta-
-Krishnamachar, Jodidar of Singa-
pur Village, Bangalore Talak.

Respectfully sheweth,

That about 6 acres of land lying
within the limits of the Jodi Singapur
village belonging to the Memorialist forms
part of the bed of the adjoining Sirkar
Tank of the aforesaid village. This
land the Memorialist cultivated in the
year 1892-93 as he used to do from time
immemorial, whenever the water in the
tank receded and afforded convenience
for cultivation. The Talak authorities
holding the cultivation to be illegal and
reporting accordingly, the Dy: Commissioner
Mr. Shujait ali charged the land in ques-
tion at 7 Rs per acre, and warned the
Memorialist against future cultivation
of land on pain of a heavy fine, (Vide Amil's
Notice enclosed D/ 16th January 1895). The
Memorialist protested against this order,
inasmuch as to his knowledge there does
not exist any authoritative official re-
-striction to the cultivation of the land
as per Memorial; but the Purnaiah who in
the meanwhile succeeded Mr. Shujait ali,
declined to interfere in the orders passed
by his predecessor, (Vide Amil's Endorsement

A.S. 45 of 1895-96

D/

of 6th September 1895 enclosed). Hence this appeal to your Excellency on the following grounds: —

That in the area recorded of the Jodi village of Sungapur the Inam Dept: has included the land in question as "Kharab" or uncultivable waste and assessed the same at 3 annas an acre as per the Statement furnished to them by the Survey Department,

That the land has been measured by the Survey Dept as lying within the limits of the Jodi village,

That the Memorialists right to the land being avowedly admitted by both the Inam and Survey Depts: as above, the Deputy Comr. erred in imposing on the land further assessment than that charged by the Survey and included in the assessment adopted by the Inam Dept for calculating quit-rent on the Jodi village, and

That the prohibition laid against the Memorialists' right to cultivate the land is unprecedented and bears no sanction of any Standing Revenue orders.

The Memorialist most respectfully prays that pending the disposal of this Appeal, orders may be issued to stay the sale of his property which has been now attached by the Amildar as an initiatory step towards the enforcement of the order of the Deputy Commissioner.

Bangalore
28th October
1895

By Anantakrishnamachar
Jodidar Sungapur
Bangalore Taluk

Draft (2)

LR 8-95-2

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition No. 1634 dated 28-10-95 received at the Dewan's Office from Anantakrishnamachar, Jodidar of Sugapur village, Bangalore Taluk, appealing against the Dy. Comr's order regarding the waste land in the bed of the Abbugere Tank, Bangalore Taluk, and praying for stay of sale of his property now under attachment pending disposal of his appeal

is forwarded, together with its two enclosures, to the Deputy Commissioner of the Bangalore District for submission of the entire proceedings connected with the case, together with a full report of the facts of the case, and on the points urged in the petition.

2. The petition with its enclosures should be returned.

By order,

DBL 11-11-95

Revenue Chief Secretary.

BANGALORE,
11-11-1895
13

8-11-95

M.G.C.P.B.—25-4-95—1,000.

DH LR 8695-5

Gen. Serial No. 31.

Gl. No. 4181-2
Ret 367
26 NOV. 95
DEWAN'S OFFICE.

189

(3)

From
The Dy Commissioner
Bangalore District

To
Ber:
The Secretary to the Govt.
~~Dewan~~ of Mysore.

Dated 23rd Nov/95
Despatched 26th Do
Received

Enclosures—No. 1 file

General No.
No. 474

His Memo: No. Ret. 95-3 of the 11th instant forwarding a petition from Manta Krishnamachar, Jodidar of Singapura Village, Bangalore Taluk, anent the waste land of his village lying in the bed of Abbigere Tank.

In returning the enclosures of the above, has the honor to submit the entire record of the case, the facts of which are stated in the memo attached.

D.C. Bangalore

Ber
Rfm
26/11/95

Subs
The Memo refers to the Govt Sent

27/11

Subs
DH
27-11-95
Send the Kannada petition with translation and orders -
(1) The Memo may be returned stating that the petitioner may apply to the Taluk Authorities for the grant
(2) In the meantime Govt's order in the matter may be awaited
27/11

LRB-95 V.

1895

(9)

To

The Deputy Commissioner

Bangalore District

Dated 4th December 1895

Dcsptd:- 5th -

No. 5716 ✓

P. 1063 Rec: Nil -

His docket No. 474 dated the 23rd Ultimo submitting the records connected with the petition of Anantakrishnamachar, Jodidar of the Singapur village, Bangalore Taluk, ~~as to the waste~~ regarding certain lands of his village lying in the bed of the Abbigere Tank.

With reference to the above has the honor to state ~~with reference to the above~~, that the Survey Map of the Singapur village referred to in the memo attached to the records has not been sent up, and to request that the Dy: Comm will be so good as to submit the same as early as practicable.

By Order

Draft. 4/12

~~Head~~ Revenue Secretary

LR 86-96

Gen. 51 Gl. No. 5246 No. 1895-96 R 3589.

REVENUE DEPARTMENT
15 JAN 96
Pt 505
DEWAN'S OFFICE.

(5)

From The Dy Commissioner
Bangalore District

To The Revenue Secretary
~~to the~~ Government of Mysore

Dated 9th January 1896.
Despatched 10th Do
Received

General No.
~~D~~ No. 637.

Enclosure No.

The Revenue Secretarys
No. 5116 dated 4th Ultimo,
P1063
calling for the Survey
Map of the Singapur
Village, Bangalore Taluk.

Adverting to the above,
has the honor to state
that the map having
been returned to the
Assistant Superintendent
in charge of Revenue
Survey Office, he has
been asked to transmit

Ref
Await rec'd map
11/1/96

Perfd Recd.

Please send on the reference
Circle.

8/1

Refers as per top.
6/2

it direct to the Govern-

-ment.

For Dy Commissioner.

LR 86-95-96

Gen. 31.]

GOVERNMENT OF MYSORE

REVENUE DEPARTMENT
Gl. No. 5422
R No. 3717
JAN 96
189 Pet 306
DEWAN'S OFFICE.

From The Asst Supt in charge
Revenue Survey Office

To The Revenue Secretary to
the Govt of Mysore

Dated 18th January 1896

Despatched Bangalore

Received

General No. 173
No.

Enclosure No.

In compliance with Bangalore Deputy Commissioner's docket No 1971 of the 10th Instant & under sanction of the Survey Superintendent, undersigned has the honor to forward a map of Jodi Singapur of Bangalore Taluk, and to request that the same may be kindly returned when no longer required

Jas Lucas
Asst Supt

Rev - 18/1/96
Why was this called for?
Also enquire in Pet Br
N 18/1/96

Pet Br.
Please furnish reference if called for from your Branch.
DK
21/1

Refers as per - Please return this to the Petition Br
Bd/2 Branch for disposal
DB
7/2/96

Subs with refers
DK.
8/2

21/2/96

L 88-95-

Gen. 31.] Draft 1895

(7)

L 286-95-

From The Rev Secretary

To The Deputy Commissioner Bangalore Dt

Dated 30th January 96

Despatched

Received

General No. Pet ✓

No. 1351.

Enclosure No.

In continuation of this office No. 5116 dated 4-12-95 Pet. 1063 requesting submission of the Survey map of the Singapura village in connection with the petition of Anantakrishnachar, Jodidar of the said village regarding certain lands in the bed of the Abbigere tank, has the honor to request that the Deputy Commissioner will be so good as to stay the sale of the lands in question pending disposal of the appeal to the

L 88-95-

L 286-95-

Gen. 31.] Draft 1895

From The Revr Secretary

To The Deputy Commissioner Bangalore

Dated 30th January 96

Despatched

Received

General No. Pet

No. 1351.

Enclosure No.

In continuation of this office No. 5116 dated 4-12-95 Pet. 1063 requesting submission of the Survey map of the Singapura village in connection with the petition of Anantakrishnachar, Jodidar of the said village regarding certain lands in the bed of the Abbigere tank, has the honor to request that the Deputy Commissioner will be so good as to stay the sale of the lands in question pending disposal of the appeal to the

disposal of the petitions

By order

C2 Dbl-

for Revenue Secretary

30/1/96

~~LR 86-95-8~~

32

(8)

GOVERNMENT OF INDIA

LR 86-95-8

Proceedings of the Govt. of Mysore

Read

Petition No 1634 dated the 28th October 1895 from Ananta Krishnamachar, Jodidar of Singapur in the Bangalore Taluk, complaining of the order of the Dy Commr, Bangalore Dt, imposing a fine on Petr for cultivating a piece of land situated in the bed of the Abbigere tank but within the limits of ~~the Hosa~~ Singapur village

(2) Accords received with docket No 474 dated 23d Novr 1895 from the Dy Commr Bangalore Dt

(3) Docket No 173 of 18th January 1896, from the Asstt Superintt in charge of the Revenue Survey Office, forwarding a map of Singapur village

Order - No $\frac{1076}{P.2106}$ of $\frac{9.6.96}{12}$
Exs: Record + map

The Petr urges that as a matter of fact the land in question was being cultivated from time immemorial - This fact must be ascertained after due

33/..

enquiry and a finding on the point submitted by the Deputy Commissioner. Information should also be furnished as to whether the Jodi village has been classified and settled by the Survey Department.

9-6-96
Secretary.

Draft letter is ordered also draft of a docket about staying execution

9/6

To The Dy Commr: Bangalore, with records & Map

LR 86-9-5-70

GOVERNMENT OF MYSORE

(10)

To

The Deputy Commr.
Bangalore Dt

No 6067/P.2107 dy 9.6.96.

This Office docket No 6th/1351 dated 30th January 1896 requesting that, pending the disposal of the appeal of Anantakrishnamachar Poddidar of Singapur, Bangalore Taluk, against the order of the Dy Commr fining him for cultivating certain lands in the bed of the Abbigere Tank, the sale of the lands in question may be stayed.

With reference to the above has the honor to request that for the words "stay the sale of the lands in question" therein used, the words "stay the

execution of the order appealed against" may be inserted, as what was meant to be conveyed was that the execution of the ~~Dz~~ order of the DZ Commissioner should be suspended pending decision of the appeal.

By order

6-6-96
Secretary

Order Rec'd
Commissioner's Office

9/1

84. [illegible]
12-6-96
(9)

[illegible]
1634

[illegible]

[illegible]

[illegible] 28.10-95 [illegible]

[illegible]

By order
9-6-96

REVENUE DEPARTMENT
Gl. No. 1944
SEP 12 1898
Rs 125—
DEWAN'S OFFICE

1898-99.15

The Dy. Commissioner, of the
Bangalore District.

To The Secretary to the Govt
of Mysore,
Genl & Rev Departments.

Dated 7th September 1898
Despatched 10th Do
Received
General No.
D No. 331
Enclosure No. 1 file

Reference: — Govt order
No 10766 dt 9th June 1896
D 2106

Submitting a report
on the petition of
Anantakrishnamachar
Jodidar of Singapur
with further particulars
called for in the above

Rec'd 14/9 - D 7 to 98 relating to the Subject to put up

AK 16/9/98 Subd

MG 17.9.98 Send another copy of Translate the amildar's report

(Cash) 21/9/95

24/9/98 Remarks

Translation of the Amildar's report to put up.

CSR 28/9/98. Subd to 1st Comml Asst

MG 28/9/98. 30/9/95

9965 Vide order

Asst Comm
30/9/98

Bangalore District
Dy. Commissioner's Office
Bangalore 7 September 1897.

D. No. 331

Su-1 file

To

The Secretary to the Government
of Mysore,
Genl & Rev Departments.

Sir,

With reference to Government Order No. 10766/P. 2106 of the 9th June 1896, and reminder No. Pet. 1588 of the 28th April 1897, calling for further particulars on the petition of Ananta Krishna char, Jodidar of Singapur in the Bangalore Taluk, complaining of the imposition of a fine on him for cultivating a piece of land situated in the bed of the Abbigere tank, but within the limits of the Singapur Jodi village, I beg to state that the Amildar of the Bangalore Taluk held a minute enquiry into the matter and examined several persons holding lands in Singapur and adjoining villages. From the detailed

report furnished by him, it will be
seen that the evidence regarding
the cultivation of the land in question
by the Jodidar from time imme-
-morial, as asserted by him, is most
conflicting and unreliable

2. The Amildar thinks that the
Jodidar might have surreptitiously
and unauthorizedly cultivated the
land in question in some years in
which the tank contained no water;
but that it has not been con-
-clusively shewn that the Jodidar
possessed the right to cultivate the
land in question. It is clear that
the land is in the tank bed and it
is obviously improper to allow it to
be cultivated. I am to state that the
Jodi Singapur village has not been
classified and settled by the Survey
Department; but that only the
valuation survey has been made
by that Department

3. The Amildar's report together
with a sketch shewing the position of

the land in question is submitted for reference together with the entire vernacular file on the subject.

I have the honor to be
Sir
Your most obedient servant

W. Hammond

Dy. Commissioner,
Bangalore District.

1898 (16)

LR 86-95-10

LR 86-95-12

From

The Secretary to the Govt. of Mysore,
General and Revenue Departments.

To

The Supt of Revenue Survey
in Mysore

Dated 19th October 1898.
Despatched 19th
Received

General No. 3035 P (368)
P. F. No. 10-98

Enclosure No.

Has the honour to request that the records relating to the block Survey ~~and settlement, if any,~~ together with the village maps of the jodi village of Singapur in Bangalore Taluk may be forwarded to this office for reference in connection with the appeal of Anantakrishnamachar, joddar of the above village.

By Order

~~For~~ Secy

Draft
Bln
18/10

1 ~~together with~~ any papers relating to the settlement & boundary ~~Settle-~~ the result of between Jodr Singapur & the Sort Mysore Office

Lr 86-95-17 140.

2 Drafts

Lr 86-95-17

Lr 86-95-17

From (17)

The Secy to the Govt of Mysore
Gl & Rev Depts.

To The Supt of Inam Settlements
in Mysore.

No 3036. P.
P.710-98 (369)

Dated 19th October 1898.
19

Has the honour to request that he will be so good as to forward to this office the Inam Settlement papers ~~relating~~ of the Jodi village of Singapur in the Bangalore Taluk for reference in connection with the appeal of Anantakrishnamachar Jodidar of the above village

By Order

For Secy.

and any papers relating to the boundary settlement thereof

Dft
Bln.
18/10.

16/11/98

Lr 86-95-18. 124

REVENUE DEPARTMENT
Gl. No. 3078
NOV 11 1898
Pet 197

(18) 41

1898-99

Forward these papers & the V. Rend
& his offi[illegible] & thus
offer prices to the Survey
Supt & enquire a (1) 9
(1) whether the 6-28 cultivated
by the pet[r] is included
in the uncultivable area
of 372-10 in the Jodi Village
of Singapore (vide last page
of the Inam Reg[r])
(2). Why a portion of the (Sirkar)
Abbaye tank-bed was
included in a Jodi
Village

Inam Settlement Register No. 2744.
Vernacular statement No. 1043.

From

The Superintendent of
Inam Settlements in Mysore,
Bangalore.

To

The Secretary to the
Government of Mysore.

General and Revenue
Departments.

Dated 8th
Despatched 8th } November 1898
Received

No. 32. of 1898—99

Enclosure No. Two.

In reply to his docket No. 3036
Petn Ft. No. 10-98
dated 19th ultimo, has the honor
to forward, herewith, the Inam
Settlement papers, noted in
the margin, of the Jodi Village
of Singapura in the Bangalore
Taluk, and to request that they
may be returned when no
longer required.

Supt of Inam Setts

Petn
10 11 98

Rem 15/11/98

27/10/98
containing the
reqd is put up
AK
16/11/98

(19) 1898

LR 8-95-15

From

The Secretary to Govt
Revenue Department

To

The Superintending Engr
Rev. Survey Irrigation Wings

Dated 26th

Despatched 28th Nov/98.

Received

General No. 3518 P

P.J. No. 10-98

(447)

Enclosure No.

In forwarding herewith the papers noted on the margin for reference and return, and adverting to this office docket No. 3035 dated 19th October 1898, P.J. 10.98, has the honor to request that he will be so good as to report whether the 6 acres and 28 guntas cultivated by the party is included in the uncultivable area of 372 acres and 10 guntas in the godi village of Shigavar (referred to in the last para of the Inam Register herewith sent), and why a

(1) The Inam Settlement papers received with Inam Supdt's Letter No. 32 dated 8.11.98

(2) The file of Vernacular records received with the aforesaid Dy Comm's letter No. 331 dated 7.9.98 and

(3) The office precis with its enclosure

28-11-98

a portion of the (Sikar) ~
Abbigere lautched was
included in a gorde in
village.

By order

for Secretary

22.11.98

Gen. 30.]

1898

From The Supt Mysore Res Surveys

To The ~~Chief~~ Secretary to the Govt. of Mysore.

Gen & Rev Depts.

Dated 9th December 1898.

Despatched

Received

Enclosure No. one basket, 2 maps & Mus endorsm

General No. 3823.
No.

In reply to his letter Gl No 3518 of Ret 7-10-98 25th November 98

SUBJECT

Reporting on the boundary between Jodi Sirsapur and the Govt village of Abigere, both of the Bangalore Taluk and on certain cultivation by the Inamdars in the bed of the Abigere tank

References (to be entered only in the Dewan's Office).

Ret 12/12/98

Rec'd 13/12 98

W.J.

No. 383

Survey Superintendent's Office
Bangalore 9th December
1898.

To

The Secretary to the
Government of Mysore
Gen and Rev. Depts.

Sir,

I have the honor to ac-
=knowledge the receipt of your
letter No. 3518 Pet. 7. 10-98 dated 25th Novemr
1898 (see also your letter No. 3035 Pet. 7. 10-98
dated 19th October 1898 on same
subject) asking for certain in-
=formation regarding the bound
=aries between Jodi Singapur -
and the Government village
of

GOVERNMENT OF MYSORE

of Abigere.

2 I beg to forward for in-
=spection and kind return.

1 Tippan book
1 Pakka book } of Singapur
1 Classers book
1 map of Abigere
1 map of Singapur

There is no record of any
boundary dispute between the
two villages, nor are there any
rajinamas to be found. The
recognized boundary of the two
villages evidently ran through
the tank of Abigere. This is a
very common occurrence, the
original recognized boundary
having been submerged by a
tank newly formed.

3. The 6 acres and 28 guntas
cultivated by the petitioner

is included in the 372 acres -
and 10 guntas representing -
the unculturable portion of
Jodi Singapur and a grazing
valuation on the same was -
fixed at 3 as. per acre.

4 The Inamdar, in my opinion,
has no right whatever to cultivate
any portion of the tank bed.

5 Under the circumstances
it is unfortunate that the
whole of the water spread of
the Abigere tank was not in-
-cluded in the Abigere village
but I have no doubt that the
reason was that the old re-
-cognized boundary was known
to all. Moreover the Atchkat
of tank Survey No 32 of the Jodi
village

village approaches very sudden-
-ly on the water spread in-
Survey No 28 which is the land
under dispute. I would suggest
that there may perhaps be -
some record of what took place
when the tank (Survey No 2
of Abigere) was first constructed.

6 I again express my -
opinion that the Inamdar is
not entitled, on the valuation
made by me, to anything -
more than the grazing in -
the tank bed (Survey No 28)
when the water recedes.

7 I beg to return the papers
received with your letter under
reply viz. Two Inam Settlement
papers, the File of Vernacular
records

47

records accompanying Bangalore Deputy Commissioner's letter No 331 of 7-9-98 and the Office precis with enclosures.

I have the honor to be
Sir,
Your most obedient servant

J P Smyth

Supt. Mysore Rev. Survey.

(22) 1898-99.

From

The Secretary to the Govt. of Mysore,
General and Revenue Departments.

To The Supt of Inam Settlements in Mysore.

Dated 14th

Despatched 15th April 1899.

Received

General No. 7231. P

P.T. No. 10-98

(789)

Enclosure No.

Has the honor to forward herewith the Inam Settlement papers, noted in the margin, of the Jodi village of Singapur, Bangalore Taluk, received with his docket No. 328 8/11/98.

By Order

Secy.

Draft
Bln
11/4.

* Inam Settlement Register No. 274.
Vernacular Statement No. 1043.

H.J. (24)

LR 86-95

GOVERNMENT OF MYSORE

Proceedings of the Govt of Mysore

Appellant - Anantakrishnamachar

Read:-

Petition of appeal No 1634 as 45 of 95-96, preferred by Ananta Krishnamachar, Jodidar of Singenpur, Bangalore Taluk, against the order of the Dy. Commr. Bangalore District imposing a fine of Rs 46-14-5 ~~upon the appellant~~ for having unauthorizedly cultivated in the year 1893-94, 9-28 of land forming a portion of the bed of the tank of the Govt village of Abbigere but lying within the limits of the Jodi village

(2) ~~Correspondence Ending~~ with Letter No 3314 (+) 7/9/98, from the Dy. Commr. Bangalore District ~~submitting the~~ report ~~of the Amildar of Bangalore Taluk, and statement~~ that the Jodidar's allegation, that he was cultivating the land in question from time immemorial has not been proved during the enquiry held by the Amildar

(3) Letter No 3983 (+) 9-12-98 from the Supdt of Revenue

Draft for appl

Subd by 1st Committee

Sd/ 7/4/99.

11033

appl or allowed / refused

Refer to 1st appl

Sd/ 7/4/99.

Subd by 2nd Committee

Sd/ 8/4/99.

RD 6.30 Pm
8.4.99

observed
Sd/
10.4.99

In Extenso

Proofs Wanted

Sd/

(+) These two reports are sent to the Press with the Press copy as ordered on the Press copy

Press copy sent 18/6/99

survey in Mysore, [illegible]
that the A 6-28 G of land in
question are included
in the uncultivable waste
of A 372-10 G belonging to the
Jodi village, that a grazing
valuation of 3 annas per 1 Mr grazing
acre had been fixed on the
same, that the recognized
boundary of the 2 villages
evidently ran through the
tank of Ebbigere, that
such a thing is a common
occurrence the original
recognized boundary
having been submerged
by a tank newly formed,
that the Inamdar has no
right whatever to cultivate
any portion of the tank
bed and that he is not
entitled to anything
more than the grazing
on it when the water recedes.

(4) The records of the case

(988)

Order No 7222-30 & 14.4.99.
R.Z. 10-98 15

The Munsif pleaded × portion underlined has been inserted
by the Inamdar for

impression has not been established). The cultivation of beds of banks cannot be allowed; but as the matter was not noticed before a crowd. The cultivation of the land by the Appt was under the bona fide belief that he had a right to do so the fact as stated by the fine will be remitted with a warning that he should not to cultivate the land or permit cultivation of the bed in future or else he do so — The fine amount will be refunded to appl.

As pointed out by the Surveyor the appl is not entitled to any thing more than the ground in the bank bed when it is dry, but

Grant

Redrft

for Secretary

To

The Dy Commr Bengalore
Distt with records

The Supdt of Revs Survey in Mysore returning the records received with his letter read above

The Dy Commr of Dist

1898-99

GOVERNMENT OF MYSORE

PETITION

PROCEEDINGS

Dated 14th April 1899.

No. 7222-30 / P. F. 10-98.

Passing orders on the appeal of Anantakrishnamachar, Jodidar of Singapur, Bangalore taluk, and remitting the fine imposed on him by the Deputy Commissioner for having unauthorizedly cultivated a portion of the tank bed in the Government village of Abbigere.

SBP—24-4-99—200.

Appellant ... Anantakrishnachar.

READ —

Petition of appeal No. 1634—O. S. 45 of 1895-96, presented by Anantakrishnamachar, Jodidar of Singapur, Bangalore taluk, against the order of the Deputy Commissioner, Bangalore district, imposing a fine of Rs. 46-14-5 for having unauthorizedly cultivated, in the year 1893-94, 6 acres and 28 guntas of land forming a portion of the bed of the tank of the Government village of Abbigere but lying within the limits of the jodi village.

(2) Letter No. 331, dated 7th September 1898, from the Deputy Commissioner, Bangalore District.

With reference to Government Order No. 10766—P 2106 of the 9th June 1896, and reminder No. Pet.—1588 of the 28th April 1897, calling for further particulars on the petition of Ananthakrishnachar, jodidar of Singapur in the Bangalore taluk, complaining of the imposition of a fine on him for cultivating a piece of land situated in the bed of the Abbigere tank, but within the limits of the Singapur jodi village, I beg to state that the Amildar of the Bangalore taluk held a minute enquiry into the matter and examined several persons holding lands in Singapur and adjoining villages. From the detailed report furnished by him, it will be seen that the evidence regarding the cultivation of the land in question by the jodidar from time immemorial, as asserted by him, is most conflicting and unreliable.

2. The Amildar thinks that the jodidar might have surreptitiously and unauthorizedly cultivated the land in question in some years in which the tank contained no water; but that it has not been conclusively shown that the jodidar possessed the right to cultivate the land in question. It is clear that the land is in the tank bed and it is obviously improper to allow it to be cultivated. I am to state that the jodi Singapur village has not been classified and settled by the Survey Department; but that only the valuation survey has been made by that Department.

3. The Amildar's report together with a sketch showing the position of the land in question is submitted for reference together with the entire vernacular file on the subject.

(3) Letter No. 383, dated 9th December 1898, from the Superintendent of Revenue Survey in Mysore.

I have the honor to acknowledge the receipt of your letter No. 3518—Pet. F. 10-98, dated 25th November 1898 (see also your letter No. 3035—Pet. F. 10-98, dated 19th October 1898, on same subject), asking for certain information regarding the boundaries between jodi Singapur and the Government village of Abbigere.

2. I beg to forward for inspection and kind return—

1 Tippan book
1 Pakka book } of Singapur.
1 Classers' book
1 Map of Abbigere.
1 Map of Singapur.

There is no record of any boundary dispute between the two villages, nor are there any rajinamas to be found. The recognized boundary of the two villages evidently ran through the tank of Abbigere. This is a very common occurrence, the original recognized boundary having been submerged by a tank newly formed.

3. The 6 acres and 28 guntas cultivated by the petitioner is included in the 372 acres and 10 guntas representing the unculturable portion of jodi Singapur and a *grazing* valuation on the same was fixed at 3 annas per acre.

4. The inamdar, in my opinion, has no right whatever to cultivate any portion of the tank bed.

5. Under the circumstances it is unfortunate that the whole of the waterspread of the Abbigere tank was not included in the Abbigere village; but I have no doubt that the reason was that the old recognized boundary was known to all. Moreover the atchkat of tank Survey No. 32 of the jodi village approaches very suddenly on the waterspread in Survey No. 28 which is the land under dispute. I would suggest that there may perhaps be some record of what took place when the tank (Survey No. 2 of Abbigere) was first constructed.

Petition, dated 14th April 1899.

6. I again express my opinion that the inamdar is not entitled, on the valuation made by me, to anything more than the grazing in the tank bed (Survey No. 28) when the water recedes.

7. I beg to return the papers received with your letter under reply, *viz.*, two Inam Settlement papers, the file of vernacular records accompanying Bangalore Deputy Commissioner's letter No. 331 of 7th September 1898, and the office precis with enclosures.

(4) The records of the case.

No. 7222-30—P. F. 10-98, DATED BANGALORE, 14TH APRIL 1899.

ORDER THEREON.—The mamul pleaded by the inamdar for cultivation of the land in question has not been established. The cultivation of beds of tanks cannot be allowed. As pointed out by the Survey Superintendent, the appellant is not entitled to anything more than the grazing in the tank bed when it is dry, but as the cultivation of the land by the appellant was under the *bonâ fide* belief that he had a right to do so, the Government are pleased to remit the fine with a warning that he should not cultivate the bed in future or permit others to do so. The fine, if recovered, will be refunded to appellant.

C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The Deputy Commissioner, Bangalore District, with records.
The Superintendent of Revenue Survey in Mysore, returning the records received with his letter read above.
The Deputy Commissioners of Districts.

Exd.—H.A.R.

LA 86-95-2

నంబర్ 1634 A(23) 14-4-99

ముఖ్యాధికారి/ప్రత్యేకాధికారి

[illegible]

[illegible]

[illegible]

By Order

Draft

For Secretary

1.7.99 do not tally both the years 1897-8 & 1898-9.

To, Ver: Records for refers

3/7/99

1/7/99 ಅಂಬಿಕೆ ಅಂಬಿಕೆ

ಸರಿ 1634 ನೇ ಸಂಖ್ಯೆ ಆಜ್ಞೆ ಮಾಡಿದ್ದು 14.4.99 ನೇ ಮಾರ್ಚ್ 7222-3 ನೇ ಸಂಖ್ಯೆಯಲ್ಲಿ P.P 10-98 ರ ಪ್ರಕಾರ ಅಂಬಿಕೆ ಅಂಬಿಕೆ ಅಂಬಿಕೆ

rejected or disbelieved for no reason whatsoever

. That the present order of the Govt deprives him of the use of a land, which he has been enjoying for the past so many years which has been yielding him Rs 100 worth of produce annually.

Prays that Govt would revise the previous order & permit him to cultivate the above land.

Enc
30/6/97

Regarding the evidence adduced by the pet[r] & Hiriyappa pet[r] cultivation, the Dy Comm[r] State that it is "most conflicting & unreliable" He annexes in his report extracts of the evidence (translated in the precis) & states that the evidence is mostly of tenants & is conflicting under the pet[n] 2 is

11/7/97

Presented in Petn
28/4/99

To Petn

2

Court fee stamp affixed Rs.

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT.
REGD. No. 20664
DATE 28 APR 99

The General Secretary
The Govt of Mysore.

The humble Memorial of Ananta Krishnamachar, Jodidar of Singapur of Bangalore Taluq.

Respectfully sheweth:-

1. That an extent of about 6 3/16 acres of land belonging to him and situated in his Jodi Village of Singapur was under his cultivation and enjoyment from time immemorial and that on the complaint of the enemies of the petitioner the Amildar reported that the said land formed the bed of the tank of Abberay and should not be cultivated.

2. That the Deputy Commissioner thereupon ordered that a fine should be levied from the petitioner at Rs 4 per acre.

3. That on the appeal of the petitioner to the Huzur Dewan's office, he was favoured with the endorsement No. 1634 M2 to the effect that the fine was remitted and that the petitioner should not cultivate the land but should only enjoy the grass grown on the land.

4. That the petitioner begs to submit that

that it has been distinctly proved by the evidence of several respectable witnesses some of whom are the Vindents of the neighbouring Villages and the rest cultivators who actually cultivated the Land for the past very many years.

5. That the evidence of such disinterested persons has been rejected or disbelieved for no reason whatever.

6. That the Judgment granted to the Petitioner works good deal of hardship on him by depriving him of the use of the Land which was yielding him annually produce worth about Rs 600/-

7. That the petitioner humbly prays that the Government will be graciously pleased to revise the order above named and permit him to cultivate the Land as has been done from time immemorial; and that for which act of kindness the petitioner will ever be grateful.

He begs to remain,
Respected Sir
Your most obedient and humble
Servant
(Signed)

28th June 99.